

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATRICK J. O'CONNELL,

Plaintiff,

v.

ORDER
10-CV-46

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A). On October 13, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that the defendant's motion for judgment on the pleadings be denied, that plaintiff's motion for similar relief in his favor be granted, that the decision of the Commissioner be reversed and the matter remanded for further administrative proceedings

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the defendant's motion for judgment on the pleadings is denied, plaintiff's motion for judgment on the pleadings is granted, the decision of the Commissioner is reversed and the

matter is remanded for further administrative proceedings. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: December 20, 2010